



Image
\$ RCE
1645
PATENT

Patitioner's Docket No. 67686/00-602

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: de la Fuente et al.
Application No.: 10/002,636
Filed: 10/26/2001
Confirmation No.: 1974
For: Immunoprotective recombinant antigen from *Anaplasma marginale*,
vaccine compositions and methods of use
Group No.: 1645
Examiner: Minnifield, Nita M.

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- [X] deposited with the United States Postal Service in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10

- [X] with sufficient postage as first class mail.

- [] as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

- [] facsimile transmitted to the Patent and Trademark Office (703) _____

Date: April 5, 2004

Signature

Luiz C. Lopez

LUZ C. LOPEZ
(type or print name of person certifying)

04/09/2004 BABRAHA1 00000090 10002636

01 FC:2801

385.00 OP

(Request for Continued Examination (RCE))--page 1 of 5)

04/09/2004 BABRAHA1 00000090 10002636

02 FC:2252

210.00 OP

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure statement (37 C.F.R. Section 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity \$ 385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$ 770.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee OR	Addit. Fee
Total	13	Minus	20	= 0	x \$18 = \$		x \$18 = \$
Indep.	1	Minus	3	= 0	x \$86 = \$		x \$86 = \$
[] First Presentation of Multiple Dependent Claim					+ \$290 = \$		+ \$290 = \$
				Total Addit. Fee	\$_____	OR	Total Addit. Fee \$_____

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

(c) [] No additional fee is required.

OR

(d) [] Total additional fee required is \$_____.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for</u> <u>(months)</u>	<u>Fee for</u> <u>small entity</u>	<u>Fee for other than</u> <u>small entity</u>
<input type="checkbox"/> one month	\$ 55	\$ 110
<input checked="" type="checkbox"/> two months	\$210	\$ 420
<input type="checkbox"/> three months	\$475	\$ 950
<input type="checkbox"/> four months	\$740	\$1,480
	Fee	\$ <u>420.00</u>

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ _____
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ <u>420.00</u>
Total Fee(s) Due:	\$ <u>1,190.00</u>

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

☒ A check is attached for the sum of \$ 595.00

☒ Charge Account 06-0650 the sum of \$ 595.00

☒ A duplicate of this Cover Sheet is attached.

☐ Charge Credit Card the sum of \$ _____
(Credit Card Payment Form (PTO-2038) attached.)

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d)
and/or Section 1.17(a)(1)-(4) to

☒ Account 06-0540

☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.)

Respectfully submitted,

4/5/04
DATE


SIGNATURE OF PRACTITIONER

Reg. No.: 36,050

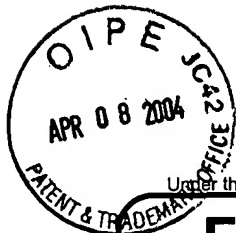
R. Alan Weeks
(type or print name of practitioner)

Tel. No.: (918) 599-0621

321 S. Boston Ave., Suite 800
P.O. Address

Customer No.: 22206

Tulsa, OK 74103-3318



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 595.00

Complete if Known

Application Number	10/002,636
Filing Date	10/26/2001
First Named Inventor	de la Fuente et al.
Examiner Name	Minnifield, Nita M.
Art Unit	1645
Attorney Docket No.	67686/00-602

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

06-0540

Fellers, Snider et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	240.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	385.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 595.00

SUBMITTED BY

Name (Print/Type)

R. Alan Weeks

Registration No.
(Attorney/Agent)

36,050

(Complete (if applicable))

Telephone 918/599-0621

Signature

Date

4/5/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



CERTIFICATE OF MAILING UNDER 37 CFR 1.8	
I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April <u>5</u> , 2004.	
Luz C. Lopez (Typed name of person signing)	<i>Luz C. Lopez</i> Signature

PATENT
Attorney Docket No.: 67686/00-602
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: de la Fuente et al.
Application No.: 10/002,636
Filed: 10/26/2001
Confirmation No.: 1974
For: Immunoprotective recombinant antigen from *Anaplasma marginale*,
vaccine compositions and methods of use
Group No.: 1645
Examiner: Minnifield, Nita M.

Box RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT ACCOMPANYING RCE

a.) INTRODUCTORY COMMENTS

This paper accompanies the filing of a Request for Continued Examination ("RCE"), which is made in response to the Final Action mailed 11/05/03. All fees required for the filing of the RCE are delineated therein and payment has been made as specified. No additional fees are believed due by the filing of this paper. Nonetheless, should any additional fee in fact be due to perfect the filing of either the RCE or this paper, please consider this a general authorization to charge any such deficiency, or credit any overpayment, to Deposit Account 06-0540.

Applicant respectfully requests entry of the amendments reflected in the listing of claims, which begins on page 2 of this paper, and consideration of the remarks beginning on page 5.